

REMARKS

Summary of the Amendment

Upon entry of the instant Amendment, claims 27-48 will be pending with claims 27, 47 and 48 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner neglected to acknowledge Applicant's claim to foreign priority by neglecting to indicate on the form PTOL-326 that the certified copies of the priority documents have been received. The Examiner also improperly indicated that claims 6-9 and 19-21 were withdrawn from examination. Additionally, the Examiner rejected claims 1-5, 10-18, 22, 23, 25 and 26 as being non-enabled. The Examiner also rejected claims 1-5, 10-18 and 22-26 as failing to recite essential elements and as indefinite. Finally, the Examiner rejected claims 1-5, 10-18 and 22-26 over the art of record. By the present remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Status of the Certified Priority Document

The Examiner has neglected to acknowledge Applicant's claim to foreign priority on the form PTOL-326 by neglecting to indicate whether the required certified copies of the priority documents have been received.

Applicant filed the certified copies of the priority documents on March 4, 2004 and requests that the Examiner check box 12a1 on the form PTOL-326 in the next Official Action confirming receipt of the certified copy.

Accordingly, Applicant respectfully requests that the Examiner indicate such acknowledgment on form PTOL-326 in the next office action.

Restriction Requirement

Applicant acknowledges the restriction requirement reasserted in the instant Office Action. Applicant submits, however, that the Examiner improperly withdrew claims 6-9 and 19-21 as not reading on Figs. 1 and 2.

Applicant notes, in particular, that Fig. 1 and 2 clearly shows a locking fastener 10 and an inclined ramp at the open end of the groove 5.

Accordingly, the basis of restriction was entirely improper and should be withdrawn. Furthermore, Applicant submits that each of the new claims clearly reads on the elected species embodiment of Figs. 1 and 2.

Section 112, 1st Paragraph Rejection

Claims 1-5, 10-18, 22, 23, 25 and 26 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed and/or rendered moot.

The Examiner asserts that the language “substantially on the sighting axis” is not

enabled. While Applicant disagree and submit that one having ordinary skill in the art would be able to practice the claimed invention, Applicant has nevertheless canceled the rejected claims in favor of new claims which are fully enabled.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 112, first paragraph.

35 U.S.C. §112, 2nd Paragraph, Rejections

Claims 1-5, 10-18 and 22-26 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being incomplete for omitting essential structural cooperative relationship of elements which amount to a gap between the necessary structural connections under MPEP section 2172.01. Applicant respectfully disagrees.

Claims 1-5, 10-18 and 22-26 were also rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for reciting the term “substantially” and because certain features allegedly lack proper antecedent basis. Applicant respectfully disagrees.

Claims 1-5, 10-18 and 22-26 were additionally also rejected under 35 U.S.C. §112, second paragraph, as allegedly being unclear as to what Applicant is claiming. Applicant respectfully disagrees.

With regard to the latter two bases of rejection, Applicant submits that the new claims do not recite “substantially”, recite features with proper antecedent basis, and make clear that the invention is directed to a firearm having a plate and holographic sight.

With regard to the former basis, Applicant submits that contrary to the Examiner’s

assertions, Applicant is not required under section 112, second paragraph, to limit the invention to any particular cooperative relationship between the recited structural features. The Examiner has respectfully misread MPEP 2172.01, which indicates that when it is indicated "by applicant" in the specification that certain features are essential to the invention, such features must be recited in the claims. The Examiner has identified no features which were indicated "by Applicant" to be critical to the invention and which are not recited in the claims.

In fact, Applicant has not asserted in the specification that certain devices are critical to the invention. Certainly, none of the devices listed by the Examiner have been so described, and the Examiner has respectfully failed to point to any portion of the specification which supports the Examiner's position that such devices are asserted to be critical. Accordingly, the Examiner's reliance on MPEP 2172.01 is respectfully misplaced and this rejection is believed to be improper and should be withdrawn.

Moreover, Applicant is unaware of any requirement, under either the patent statutes or rules, requiring Applicant to limit the invention to any particular or preferred disclosed embodiment. Applicant submits that if the claim limitations are clear and have support in the specification, they cannot be properly rejected as indefinite merely because the Examiner would prefer that the claims recite more detailed limitations.

Furthermore, the Examiner has set forth no legal basis for requiring Applicant to limit the invention. Applicant submits that the requirement that the claims be interpreted in light of the specification provides sufficient basis for the claims being definite. The Examiner is

reminded that Applicant is entitled to the broadest reasonable interpretation permitted by the prior art, and that one of ordinary skill in the art, having read the specification, would understand what the claims define.

Finally, Applicant would like to point out that, regarding the section 112, second paragraph issues, the breadth of a claim is not to be equated with indefiniteness. As concerns the breath of a claim, the primary concern is the *scope* of the claim relative to the scope of enablement provided to one skilled in the art by the disclosure. Claims should not be rejected as unduly broad under 35 U.S.C. § 112, second paragraph, for non-inclusion of limitations dealing with factors which must be presumed within the level of one of ordinary skill in the art; the claims need not recite such factors where one of ordinary skill in the art to whom the specification and claims are directed would consider them obvious. *In re Skrivan*, 427 F.2d 801, 166 USPQ 85 (C.C.P.A. 1970).

Accordingly, Applicant traverse all grounds of the Examiner's rejection based on the notion that it appears the Examiner is only attacking the *scope* of the Applicant's claims, not definiteness. As mentioned above, the breadth of a claim is not to be equated with indefiniteness.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 112, second paragraph.

Traversal of Rejections Under 35 U.S.C. § 102

Applicant traverses the rejection of claim 1, 10, 11, 13, 22, 23, 25 and 26 under 35

U.S.C. § 102(b) as being anticipated by US Patent No. 6,185,854 to SOLINSKY et al.

In the rejection, the Examiner asserted that SOLINSKY discloses all the recited features of these claims, including the holographic sight. Applicant respectfully traverses this rejection.

Applicant respectfully submits that this rejection is improper because SOLINSKY fails to disclose, or even suggest: inter alia, the combination of a firearm and a mount arrangement for mounting *a holographic sight* on an upper side of at least one barrel of the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, the combination comprising a plate comprising a first end and a second end, the first end comprising a straight section and the second end being mounted to the holographic sight, wherein *a length of the straight section of the first end is less than the vertical thickness of the end section*, as recited in new independent claim 27; inter alia, the combination of a firearm and a holographic sight arranged on an upper side of at least one barrel of the firearm, the combination comprising the at least one barrel extending in a longitudinal direction and having a muzzle end, an arc-shaped support comprising a first end and a second end, and *the first end being mounted to only one side of the firearm and the second end being mounted to a bottom side of the holographic sight*, as recited in new independent claim 47; and inter alia, a firearm comprising a holographic sight arranged on an upper side of at least one barrel of

the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, a plate comprising a first end and a second end, and the first end comprising a straight section and the second end being mounted to the holographic sight, wherein *a length of the straight section of the first end is less than the vertical thickness of the end section*, as recited in new independent claim 48.

Applicant does not dispute, for example, that SOLINSKY discloses a sighting device 10 mounted to a firearm via two arc-shaped supports 102 and 103 (see Fig. 7). However, among other things, the supports 102 and 103 disclosed in SOLINSKY are different from that of the claimed invention.

In particular, whereas the invention recited in claim 27 recites an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, a plate comprising a first end and a second end, the first end comprising a straight section and the second end being mounted to the holographic sight, wherein *a length of the straight section of the first end is less than the vertical thickness of the end section*, the arrangement shown in Fig. 7 of SOLINSKY cannot properly be read to disclose these features and instead discloses straight sections 102 and 103 which are longer than the vertical thickness of the firearm muzzle end.

Furthermore, whereas the invention recited in new claim 47 recites the combination of a firearm and a holographic sight arranged on an upper side of at least one barrel of the firearm, the combination comprising the at least one barrel extending in a longitudinal direction and having a muzzle end, an arc-shaped support comprising a first end and a second end, and *the first end being mounted only to one side of the firearm and the second end being mounted to a bottom side of the holographic sight*, the arrangement shown in Fig. 7 of SOLINSKY cannot properly be read to disclose these features and instead discloses a device 102/103 which is mounted to two sides of the firearm via grooves 22a and 22b.

Additionally, whereas the invention recited in new claim 48 recites a firearm comprising a holographic sight arranged on an upper side of at least one barrel of the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, a plate comprising a first end and a second end, and the first end comprising a straight section and the second end being mounted to the holographic sight, wherein *a length of the straight section of the first end is less than the vertical thickness of the end section*, the arrangement shown in Fig. 7 of SOLINSKY cannot properly be read to disclose these features and instead discloses that straight sections 102 and 103 which are longer than the vertical thickness of the firearm muzzle end.

Finally, Applicant submits that SOLINSKY relates to a mount that is mainly used to support an illumination type device. The mount disclosed in SOLINSKI is not configured to support a holographic sight. Nor does SOLINSKI appear to disclose that such a mount can be used for such a purpose, or is even capable of functioning in the manner asserted by the Examiner. Additionally, the Examiner has failed to explain why she may properly disregard the clear language recited in the claims.

For the foregoing reasons and because this document fails to disclose the above-noted features of the instant invention, Applicant submits that this document fails to disclose each and every recited feature of claims 27, 47 and 48. Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b) and that the instant rejection is improper.

Furthermore, Applicant submits that dependent claims 28-46 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that SOLINSKI cannot be read to disclose or suggest; that the first end of the plate is positioned above a lowermost point of the end section as recited in claim 28; that the second end of the plate comprises a straight section as recited in claim 29; that the plate comprises a curved section arranged between the first and second ends as recited in claim 30; that the second end is mounted to a bottom side of the holographic sight as recited in claim 31; that the first end is mounted to the mounting arrangement via a dovetail groove and a dovetail strip as recited in claim 32; that the first end comprises a dovetail

P24953.A05

strip and the firearm further comprises a dovetail groove as recited in claim 33; that the first end is connected to a dovetail strip and the firearm further comprises a dovetail groove which is configured to receive the dovetail strip as recited in claim 34; that the first end is connected to a side of the firearm via a mounting arrangement and the second end is positioned over the upper side of the at least one barrel as recited in claim 35; that the mounting arrangement comprises a dovetail groove configured to receive a dovetail strip as recited in claim 36; that the dovetail groove comprises an abutment arranged on the muzzle end side of the dovetail groove as recited in claim 37; that the dovetail groove extends in the longitudinal direction as recited in claim 38; that the dovetail groove comprises an abutment arranged on the muzzle end side of the dovetail groove and an opposite open end through which the dovetail strip can be inserted as recited in claim 39; that the plate comprises an arc-shaped section as recited in claim 40; that the second end is fixed to a bottom side of the holographic sight as recited in claim 41; that the second end of the plate comprises a straight section as recited in claim 42; that the second end is fixed to the holographic sight via at least one screw as recited in claim 43; that the firearm is an over and under shotgun as recited in claim 44; that the holographic sight is removably connected to the firearm as recited in claim 45; and that the holographic sight is a red dot sight device as recited in claim 46.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection and further requests that the above noted claims be indicated as allowable.

Traversal of Rejections Under 35 U.S.C. § 103(a)

Over Rolfe-Martin with Bechtel

Applicant respectfully traverses the rejection of claims 1-5, 11, 13-18 and 23 under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 1,198,665 to ROLFE-MARTIN in view of US Design Patent No. 291,468 to BECHTEL.

The Examiner acknowledges that ROLFE-MARTIN lacks, among other things, the recited arc-shaped support. However, the Examiner asserts that this feature is taught by BECHTEL and that it would have been obvious to one of ordinary skill in the art to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of these documents discloses or suggests: inter alia, the combination of a firearm and a mount arrangement for mounting a *holographic sight* on an upper side of at least one barrel of the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, the combination comprising a plate comprising a first end and a second end, the first end comprising a straight section and the second end being mounted to the holographic sight, wherein a length of the straight section of the first end is less than the vertical thickness of the end section, as recited in new independent claim 27; inter alia, the combination of a firearm and a holographic sight arranged on an upper side of at least one

barrel of the firearm, the combination comprising the at least one barrel extending in a longitudinal direction and having a muzzle end, an arc-shaped support comprising a first end and a second end, and the first end being mounted to only one side of the firearm and the second end being mounted to a bottom side of the holographic sight, as recited in new independent claim 47; and inter alia, a firearm comprising a holographic sight arranged on an upper side of at least one barrel of the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, a plate comprising a first end and a second end, and the first end comprising a straight section and the second end being mounted to the holographic sight, wherein a length of the straight section of the first end is less than the vertical thickness of the end section, as recited in new independent claim 48.

Applicant does not dispute, for example, that ROLFE-MARTIN discloses a sighting device A mounted to the side of a firearm via a support plate (see Fig. 2). However, among other things, the support plate disclosed in ROLFE-MARTIN is different from that of the claimed invention. In particular, whereas the invention recited in claim 27 recites a mount arrangement for mounting *a holographic sight* on an upper side of at least one barrel of the firearm, the arrangement shown in Fig. 2 of ROLFE-MARTIN cannot properly be read to disclose this feature and instead discloses a mount which mounts the sight A to the side of the barrel. Furthermore, whereas the invention recited in new claims 47 and 48

recite a holographic sight arranged on an upper side of at least one barrel of the firearm, the arrangement shown in Fig. 2 of ROLFE-MARTIN cannot properly be read to disclose this feature and instead discloses instead discloses a mount which mounts the sight A to the side of the barrel.

BECHTEL does not cure the above-noted deficiencies of ROLFE-MARTIN. BECHTEL discloses a scope mount for a shotgun and contains no disclosure with regard to a *holographic sight* on an upper side of at least one barrel of the firearm.

Finally, Applicant submits that ROLFE-MARTIN and BECHTEL relate to a mount that is mainly used to support a scope. The mounts disclosed in these documents are not configured to support a holographic sight. Nor do these documents appear to disclose that such mounts can be used for such a purpose, or are even capable of functioning in the manner asserted by the Examiner. Additionally, the Examiner has failed to explain why she may properly disregard the clear language recited in the claims.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least independent claims 27, 47 and 48. Because no proper combination of the above-noted documents discloses or suggests at least the above-noted features of the instant invention, Applicant submits that no proper combination of ROLFE-MARTIN and BECHTEL can render unpatentable the combination of features recited in at least independent claims 27, 47 and 48.

Furthermore, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify any of the applied documents in the manner asserted by the

Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claims 27, 47 and 48 is not rendered obvious by any reasonable inspection of this disclosure.

Applicant directs the Examiner's attention to the guidelines identified in M.P.E.P section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the

reference to do so.' 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references)."

Additionally, it has been held that a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Furthermore, Applicant submits that dependent claims 28-46 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of ROLFE-MARTIN and BECHTEL discloses or suggests; that the first end of the plate is positioned above a lowermost point of the end section as recited in claim 28; that the second end of the plate comprises a straight section as recited in claim 29; that the plate comprises a curved section arranged between the first and second ends as recited in claim 30; that the second end is mounted to a bottom side of the holographic sight as recited in claim 31; that the first end is mounted to the mounting arrangement via a dovetail groove and a dovetail strip as recited in claim 32; that the first

end comprises a dovetail strip and the firearm further comprises a dovetail groove as recited in claim 33; that the first end is connected to a dovetail strip and the firearm further comprises a dovetail groove which is configured to receive the dovetail strip as recited in claim 34; that the first end is connected to a side of the firearm via a mounting arrangement and the second end is positioned over the upper side of the at least one barrel as recited in claim 35; that the mounting arrangement comprises a dovetail groove configured to receive a dovetail strip as recited in claim 36; that the dovetail groove comprises an abutment arranged on the muzzle end side of the dovetail groove as recited in claim 37; that the dovetail groove extends in the longitudinal direction as recited in claim 38; that the dovetail groove comprises an abutment arranged on the muzzle end side of the dovetail groove and an opposite open end through which the dovetail strip can be inserted as recited in claim 39; that the plate comprises an arc-shaped section as recited in claim 40; that the second end is fixed to a bottom side of the holographic sight as recited in claim 41; that the second end of the plate comprises a straight section as recited in claim 42; that the second end is fixed to the holographic sight via at least one screw as recited in claim 43; that the firearm is an over and under shotgun as recited in claim 44; that the holographic sight is removably connected to the firearm as recited in claim 45; and that the holographic sight is a red dot sight device as recited in claim 46.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

Over Rolfe-Martin with Bechtel and DePaoli

Applicant respectfully traverses the rejection of claims 12 and 24 under 35 U.S.C. § 103(a) as unpatentable over ROLFE-MARTIN with BECHTEL, and further in view of US Patent No. 5,373,644 to DePAOLI.

The Examiner acknowledges that each of ROLFE-MARTIN and BECHTEL lacks, among other things, the recited holographic sight. However, the Examiner asserted that this feature is taught by DePAOLI and that it would have been obvious to one of ordinary skill in the art to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of these documents discloses or suggests; inter alia, the combination of a firearm and a mount arrangement for mounting a *holographic sight* on an upper side of at least one barrel of the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, the combination comprising a plate comprising a first end and a second end, the first end comprising a straight section and the second end being mounted to the holographic sight, wherein a length of the straight section of the first end is less than the vertical thickness of the end section, as recited in new independent claim 27; inter alia, the combination of a firearm and a holographic sight arranged on an upper side of at least one

barrel of the firearm, the combination comprising the at least one barrel extending in a longitudinal direction and having a muzzle end, an arc-shaped support comprising a first end and a second end, and the first end being mounted to only one side of the firearm and the second end being mounted to a bottom side of the holographic sight, as recited in new independent claim 47; and inter alia, a firearm comprising a holographic sight arranged on an upper side of at least one barrel of the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, a plate comprising a first end and a second end, and the first end comprising a straight section and the second end being mounted to the holographic sight, wherein a length of the straight section of the first end is less than the vertical thickness of the end section, as recited in new independent claim 48.

In addition to the forgoing discussion of ROLFE-MARTIN and BECHTEL with regard to the features of independent claims 27, 47 and 48, Applicant submits that DePAOLI fails to cure the noted deficiencies of ROLFE-MARTIN and BECHTEL. DePAOLI discloses a red dot sighting device mounted to firearm dovetail (see col. 5, lines 14-18). However, among other things, DePAOLI lacks any mounting plate. In particular, whereas the invention recited in claim 27 recites an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, a plate

comprising a first end and a second end, the first end comprising a straight section and the second end being mounted to the holographic sight, wherein *a length of the straight section of the first end is less than the vertical thickness of the end section*, the arrangement of DePAOLI cannot properly be read to disclose these features and instead merely utilizes a dovetail connection between the sight and rifle.

Furthermore, whereas the invention recited in new claim 47 recites the combination of a firearm and a holographic sight arranged on an upper side of at least one barrel of the firearm, the combination comprising the at least one barrel extending in a longitudinal direction and having a muzzle end, an arc-shaped support comprising a first end and a second end, and *the first end being mounted only to one side of the firearm and the second end being mounted to a bottom side of the holographic sight*, the arrangement of DePAOLI cannot properly be read to disclose these features and instead discloses mounting the sight on a upper side of the rifle.

Additionally, whereas the invention recited in new claim 48 recites a firearm comprising a holographic sight arranged on an upper side of at least one barrel of the firearm, the at least one barrel extending in a longitudinal direction and having a muzzle end, an end section of the firearm being defined between the muzzle end and the holographic sight, the end section comprising a thickness measured in a vertical direction when the longitudinal direction is horizontal, a plate comprising a first end and a second end, and the first end comprising a straight section and the second end being mounted to the holographic sight, wherein *a length of the straight section of the first end is less than*

the vertical thickness of the end section, the arrangement of DePAOLI cannot properly be read to disclose these features and instead lacks any mounting plate having a straight section of the recited length.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least independent claims 27, 47 and 48. Because no proper combination of the above-noted documents discloses or suggests at least the above-noted features of the instant invention, Applicant submits that no proper combination of ROLFE-MARTIN, BECHTEL and DePAOLI can render unpatentable the combination of features recited in at least independent claims 27, 47 and 48.

Furthermore, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify any of the applied documents in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claims 27, 47 and 48 is not rendered obvious by any reasonable inspection of this disclosure.

Furthermore, Applicant submits that dependent claims 28-46 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of ROLFE-MARTIN, BECHTEL and DePAOLI discloses or suggests; that the first end of the plate is positioned above a lowermost point of the end section as recited in claim 28; that the second end of the plate

P24953.A05

comprises a straight section as recited in claim 29; that the plate comprises a curved section arranged between the first and second ends as recited in claim 30; that the second end is mounted to a bottom side of the holographic sight as recited in claim 31; that the first end is mounted to the mounting arrangement via a dovetail groove and a dovetail strip as recited in claim 32; that the first end comprises a dovetail strip and the firearm further comprises a dovetail groove as recited in claim 33; that the first end is connected to a dovetail strip and the firearm further comprises a dovetail groove which is configured to receive the dovetail strip as recited in claim 34; that the first end is connected to a side of the firearm via a mounting arrangement and the second end is positioned over the upper side of the at least one barrel as recited in claim 35; that the mounting arrangement comprises a dovetail groove configured to receive a dovetail strip as recited in claim 36; that the dovetail groove comprises an abutment arranged on the muzzle end side of the dovetail groove as recited in claim 37; that the dovetail groove extends in the longitudinal direction as recited in claim 38; that the dovetail groove comprises an abutment arranged on the muzzle end side of the dovetail groove and an opposite open end through which the dovetail strip can be inserted as recited in claim 39; that the plate comprises an arc-shaped section as recited in claim 40; that the second end is fixed to a bottom side of the holographic sight as recited in claim 41; that the second end of the plate comprises a straight section as recited in claim 42; that the second end is fixed to the holographic sight via at least one screw as recited in claim 43; that the firearm is an over and under shotgun as recited in claim 44; that the holographic sight is removably connected to the firearm as

P24953.A05

recited in claim 45; and that the holographic sight is a red dot sight device as recited in claim 46.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

CONCLUSION

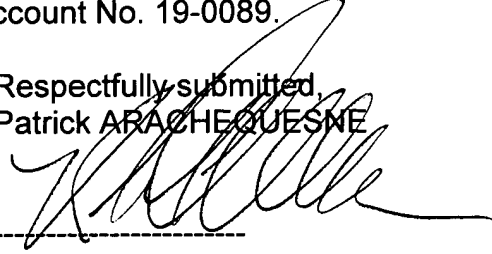
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

June 21, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
703-716-1191

Respectfully submitted,
Patrick APACHEQUESNE


Neil F. Greenblum
Reg. No. 28,394

Robert W. Mueller
Reg. No. 35,043